

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

DATE: May 6, 2009

CALLED TO ORDER: 5:35 p.m.

ADJOURNED: 7:05 p.m.

ATTENDANCE

Attending Members

Ryan Vaughn, Chair
Bob Cockrum
Benjamin Hunter
Mary Moriarty Adams
William Oliver
Marilyn Pfisterer
Christine Scales

Absent Members

Vernon Brown

AGENDA

PROPOSAL NO. 118, 2009 - appoints Robert L. Bingham to the Domestic Violence Fatality

Review Team

“Do Pass”

Vote 7-0

PROPOSAL NO. 151, 2009 - appoints Linda Hogan to the Early Intervention Planning Council

“Do Pass”

Vote 7-0

PROPOSAL NO. 152, 2009 - appoints Paul Mullin to the Board of Public Safety

“Do Pass”

Vote 7-0

PROPOSAL NO. 153, 2009 - appoints Edward Bartkus to the Domestic Violence Fatality Review Team

“Do Pass”

Vote 7-0

PROPOSAL NO. 154, 2009 - appoints Michael Medler to the Domestic Violence Fatality Review Team

“Postpone” until May 20, 2009

Vote 7-0

PROPOSAL NO. 155, 2009 - appoints K. Sue Leonard to the Domestic Violence Fatality Review Team

“Do Pass”

Vote 7-0

PROPOSAL NO. 156, 2009 - appoints Tracy Lynn McQueen to the Domestic Violence Fatality Review Team

“Do Pass”

Vote 7-0

PROPOSAL NO. 157, 2009 - appoints Heather Coffy to the Domestic Violence Fatality Review Team

“Postpone” until May 20, 2009 Vote 7-0

PROPOSAL NO. 158, 2009 - appoints Caroline Fisher to the Domestic Violence Fatality Review Team

“Postpone” until June 10, 2009 Vote 7-0

PROPOSAL NO. 159, 2009 - appoints Linda Major to the Domestic Violence Fatality Review Team

“Postpone” until May 20, 2009 Vote 7-0

PROPOSAL NO. 160, 2009 - appoints Dena Simpson to the Domestic Violence Fatality Review Team

“Postpone” until May 20, 2009 Vote 7-0

PROPOSAL NO. 161, 2009 - appoints Alfarena Ballew to the Domestic Violence Fatality Review Team

“Do Pass” Vote 7-0

PROPOSAL NO. 122, 2009 - transfers the park rangers division from the Department of Parks and Recreation to the Indianapolis Metropolitan Police Department of the Department of Public Safety

“Do Pass as Amended” Vote 7-0

PROPOSAL NO. 162, 2009 - appropriates \$70,691 in the 2009 Budget of the Public Defender Agency (Federal Grants Fund) for salaries and benefits of a juvenile master social worker, reclassification of two program coordinator positions and computer and telephone expenses for these positions

“Do Pass” Vote 7-0

PROPOSAL NO. 163, 2009 - appropriates \$864,484 in the 2009 Budget of the Marion County Prosecutor (Federal and State Grants Funds) as the result of grant awards not originally anticipated during the 2009 budget process

“Do Pass” Vote 7-0

PROPOSAL NO. 164, 2009 - amends the Code to allow management tools for dealing with nuisance urban birds while upholding the state's wildlife laws regarding the protection of birds

“Do Pass as Amended” Vote 7-0

PROPOSAL NO. 165, 2009 - amends the Code to correct and standardize the terminology that references the Indianapolis Metropolitan Police Department

“Do Pass” Vote 7-0

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

The Public Safety and Criminal Justice Committee of the City-County Council met on Wednesday, May 6, 2009. Chair Ryan Vaughn called the meeting to order at 5:35 p.m. with the following members present: Bob Cockrum, Benjamin Hunter, Mary Moriarty Adams, William Oliver, Marilyn Pfisterer, and Christine Scales. Absent was Vernon Brown. Also present were Councillors Dane Mahern and Ed Coleman.

PROPOSAL NO. 154, 2009 - appoints Michael Medler to the Domestic Violence Fatality Review Team

PROPOSAL NO. 157, 2009 - appoints Heather Coffy to the Domestic Violence Fatality Review Team

PROPOSAL NO. 159, 2009 - appoints Linda Major to the Domestic Violence Fatality Review Team

PROPOSAL NO. 160, 2009 - appoints Dena Simpson to the Domestic Violence Fatality Review Team

Councillor Cockrum moved, seconded by Councillors Pfisterer and Moriarty Adams, to “Postpone” Proposal Nos. 154, 157, 159 and 160, 2009 until May 20, 2009. The motion carried by a vote of 7-0.

PROPOSAL NO. 158, 2009 - appoints Caroline Fisher to the Domestic Violence Fatality Review Team

Councillor Pfisterer moved, seconded by Councillor Scales, to “Postpone” Proposal No. 158, 2009 until June 10, 2009. The motion carried by a vote of 7-0.

PROPOSAL NO. 151, 2009 - appoints Linda Hogan to the Early Intervention Planning Council

Ms. Hogan said she is an employee of the Indianapolis Public School (IPS) system, working with early childhood education for a significant number of years. She said she was excited when Dr. Eugene White, IPS Superintendent, said that he would recommend her for this appointment, because she believes that she has an idea of what is going on in the school system and the community. She said she has done a lot of things in the community, in the country and internationally. Ms. Hogan said she tries to keep up on what is happening especially with children and specifically young children. She said it is important that children have a safe start and that the community understand that the things that are done to nurture young children make all the difference in the future. She said she believes that if money is put into early childhood education, many of the issues that are going on with teens and young adults could be eliminated.

Councillor Pfisterer commented that Ms. Hogan’s statements address exactly what the Early Intervention Planning Council (EIPC) is intended to do.

Councillor Pfisterer moved, seconded by Councillor Moriarty Adams, to forward Proposal No. 151, 2009 to the full Council with a “Do Pass” recommendation. The motion carried by a vote of 7-0.

PROPOSAL NO. 152, 2009 - appoints Paul Mullin to the Board of Public Safety

Mr. Mullin said he is a life-long resident of Indianapolis and he is a graduate of Bishop Chatard High School. He said Public Safety is probably the most important function of government at any level. He said he is honored that he has been considered for this position. Mr. Mullin said he is a civil attorney with Lewis and Wilkins, and does defense work for the Indiana State Police, the Indiana Excise Police and the Indiana National Guard. Therefore, he is familiar with law enforcement issues on the civil side and, as a Criminal Justice Major at Indiana University, he is familiar with Public Safety issues on the criminal side.

Chair Vaughn said that he has been friends with Mr. Mullin for several years. He said he has a lot of energy and gets involved in everything.

Councillor Moriarty Adams moved, seconded by Councillor Pfisterer, to forward Proposal No. 152, 2009 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 7-0.

Chair Vaughn asked for consent to hear Proposal Nos. 118 and 153, 2009 together. Consent was given.

PROPOSAL NO. 118, 2009 - appoints Robert L. Bingham to the Domestic Violence Fatality Review Team

PROPOSAL NO. 153, 2009 - appoints Edward Bartkus to the Domestic Violence Fatality Review Team

Mr. Bingham said that he has been employed in the Criminal Justice system since 1970 and in the probation business for almost 40 years. He said he has been the Chief Probation officer in Marion County for nine years and for 21 years before that, he worked in Michigan and Illinois in the adult and juvenile system. Mr. Bingham said he served in a similar capacity in Michigan for an infant mortality review team. He said he has a Master's degree in Clinical Social Work, and he believes that his unique blend of experience is important in this type of role. He said with his experience, he is able to recognize when someone dropped the ball or if someone over-reacted or under-reacted in a situation.

Mr. Bartkus said that he is an emergency room physician at Methodist Hospital, and is the supervising physician for the helicopter and ambulance services. He said he has a background in law enforcement, as he was a Sheriff officer for a number of years and taught death investigation at the law enforcement academy. He said he currently works as the medical director for the medical team that supports the State Police and the Federal Bureau of Investigations' (FBI) SWAT teams.

Councillor Cockrum stated that this is a new board with some appointments ending December 31 of this year and others ending December 31, 2010. He said both Mr. Bingham and Mr. Bartkus are scheduled to serve until December 31, 2009.

Councillor Oliver said he has served with Mr. Bingham at the Juvenile Alternative Incarceration Center. He said he is very impressed with Mr. Bingham. He asked what the Fatality Review Team will do. Mr. Bingham said it is his understanding that the team will review events and key actions

that were involved in situations prior to an actual fatality in an effort to determine where the system may have missed something. He said the information will provide learning tools and hopefully prevent future fatalities.

Chair Vaughn explained that the proposal to establish the team was introduced a couple of months ago. He said it was not tied to a federal or state grant, but was an initiative of the Mayor's Office and the Department of Public Safety (DPS) to attack what is often unaddressed or unnoticed domestic violence. He said this team does not have a fiscal impact on the City. Chair Vaughn said the structure of the team was created after a model that has been used in other areas and relies on the expertise of medical, correctional and other related officials to try to break down the barriers that cause someone to be unable to escape a circle of violence.

Councillor Moriarty Adams moved, seconded by Councillor Scales, to forward Proposal Nos. 118 and 153, 2009 to the full Council with "Do Pass" recommendations. The motion carried by a vote of 7-0.

Chair Vaughn asked for consent to hear Proposal Nos. 156 and 161, 2009 together. Consent was given.

PROPOSAL NO. 156, 2009 - appoints Tracy Lynn McQueen to the Domestic Violence Fatality Review Team

PROPOSAL NO. 161, 2009 - appoints Alfarena Ballew to the Domestic Violence Fatality Review Team

Ms. McQueen said she has been working with the Department of Child Services (DCS) for approximately nine years. She said she has served in the capacity of an assessor and an investigator. She said she is currently a supervisor over assessors who assess domestic violence reports that come into the agency involving children and families. She said she is very excited to be a part of this newly formed team and to bring her experience and knowledge from DCS to the team.

Ms. Ballew said she is currently the Chief Deputy Coroner for the Marion County Coroner's Office, and has worked there for 12 years. She said she looks forward to the opportunity to serve on this team. She said she also currently serves on the State's Child Fatality Review Team and the Marion County Child Fatality Review Team. Therefore, she brings experience that she can add to this particular team. She said she looks forward to working with members of the community, government agencies, and community agencies, as well as survivors and victims of abuse and trauma to put preventative measures in place to avoid the deaths.

Councillor Oliver asked about the due process of determining factors. Ms. Ballew said with her experience on the other fatality review teams is that there is a due process, and there is an opportunity given for that process to take place. She said her hope, as the Chair of this Domestic Violence Fatality Review Team (DVFRT), is to have all the appropriate parties at the table to identify what the processes are and put preventative measures in place for perpetrators as well as victims. Therefore, even if the victim has erroneously stated something that has taken place, the idea is to bring everyone together to simplify the process and ensure that the appropriate programming takes place to address the matters. Chair Vaughn added that the DVFRT will only

consider cases in which a person is deceased and the cause of the death has been adjudicated to be related to domestic violence. Therefore, due process will have basically run its course in these instances.

Councillor Pfisterer said that her understanding is that this team was not created to assess blame, but to simply determine if there was a possibility of the death being averted that could be applied to future use. Ms. Ballew confirmed this to be the intent. Councillor Pfisterer said she admires all the appointees for their willingness to serve on this team, as it has to be a sad process. However, the ultimate good that can come from the team will benefit the community.

Councillor Cockrum stated that both these appointments are until December 31, 2010.

Councillor Moriarty Adams moved, seconded by Councillor Pfisterer, to forward Proposal Nos. 156 and 161, 2009 to the full Council with "Do Pass" recommendations. The motion carried by a vote of 7-0.

PROPOSAL NO. 122, 2009 - transfers the park rangers division from the Department of Parks and Recreation to the Indianapolis Metropolitan Police Department of the Department of Public Safety

Valerie Washington, Chief Financial Officer (CFO), DPS, said that they are here to move the Park Rangers over to Public Safety under the Indianapolis Metropolitan Police Department (IMPD). She said Deputy Director Mark Renner, DPS, worked with Mark Mertz, Assistant Corporation Counsel, Office of Corporation Counsel (OCC) to develop the language for the ordinance.

Councillor Moriarty Adams asked how many Park Rangers were involved in the move. Ms. Washington answered that 23 full time equivalents (FTEs) transferred over. She said she believes that there were 15 union positions and eight non-union positions, and one of the eight was an administrative assistant. Councillor Moriarty Adams asked to whom those persons will now report. Deputy Chief John Conley, IMPD, said they are assigned to the Homeland Security Bureau, under Major Chad Knecht. He said they are still trying to refine the plans in order to use the Rangers with the most efficiency possible. He said they are currently looking at dividing the Rangers and assigning them to the different districts within Marion County and having them handle the parks within those districts in day and middle shifts. Councillor Moriarty Adams asked if the Rangers have arrest powers. Ms. Washington answered that she believes the Rangers have special police powers.

Councillor Cockrum said, in the past, the Rangers were budgeted under the operational control of the Department of Parks and Recreation (Parks Department), but they had the authority to act as a police officer from either the Sheriff's Office or IMPD. He asked if there will be operational control by the Parks Department with the reorganization. Ms. Washington answered in the negative. She said when they worked on the 2009 Budget, they met with the Parks Department to work through the budget, and the Rangers portion of the budget was transferred to the Public Safety budget. However, they have worked with the Parks Department to ensure that there is adequate coverage for some of the Parks Department's contracts, such as the alarm contract that they have with Sonitrol to monitor some of the park buildings. Ms. Washington said that should only continue through this year and by 2010, there should be much more separation.

Councillor Pfisterer asked how many positions, of the 23 FTEs, are currently filled. Ms. Washington answered that all positions are filled.

Councillor Hunter said that he had some initial concerns, and met with Bill Owensby, President, Fraternal Order of Police (FOP) and Chief Conley. He said he believes that the FOP is willing to work with Scott Newman, Director, DPS, Chief Conley and Chief Michael Spears, IMPD. He said one of his main concerns is pay parity, because if the Rangers will be a division of IMPD, then the 23 FTEs should be on the same pay scale as any other police officer. Councillor Hunter said his other concern was training, and he also spoke with President Owensby and Director Newman about that, and would like to offer a friendly amendment.

Councillor Hunter moved, seconded by Councillor Moriarty Adams, to "Amend" Proposal No. 122, 2009 as detailed in Exhibit A.

Councillor Oliver asked what if the amendment is intended to have the present group of Rangers grandfathered in. Councillor Hunter answered in the affirmative, but stated that it is up to the discretion of the Public Safety Director. Councillor Oliver asked if those Rangers will be required to receive additional training to be brought up to the standards of current IMPD officers. Councillor Hunter answered that that requirement is also at the discretion of the Public Safety Director, but he is assuming that it will be a priority to ensure that the Rangers are trained as any other law enforcement officer.

Councillor Oliver asked what the special police powers consist of. Councillor Hunter answered that Indiana law gives the Director of Public Safety the ability to appoint the Rangers somewhat like a Sheriff in a setting as a special deputy. He said the amendment simply puts the training of the Rangers in line with the training of an IMPD officer, so that there is not a disparity between the two officers working together.

Councillor Oliver asked if the Rangers are expected to come under the same chain of command as IMPD. Deputy Chief Conley answered in the affirmative. Councillor Oliver asked at what point Rangers act as traditional police officers. Deputy Chief Conley said they are still trying to work through that distinction, because the Rangers have not currently received the proper training or certification. He said they want to be able to assure the public that a highly-trained person will have the safety and well-being of the public in mind.

Councillor Moriarty Adams asked if a Park Ranger will be able to arrest someone who is misbehaving in a park setting. Deputy Chief Conley answered in the affirmative. Councillor Moriarty Adams asked if they can arrest someone outside of the park boundaries. Deputy Chief Conley answered that he believes that is already happening, but he said he is not sure what the actual law states about that. He said that is part of the reason he is concerned about the lack of training and certification.

Councillor Moriarty Adams asked if Park Rangers receive the same compensation as a first-year officer. Ms. Washington answered in the negative. Councillor Moriarty Adams asked if they will be brought up to a comparable amount. Councillor Hunter stated that he is concerned with the same issue, and the FOP is committed to helping to look into the issue, along with the administration.

Ms. Washington answered that it will be a long process, as there are many budgetary issues to consider. She said the Park Rangers are currently in an AFL/CIO Union agreement until the end of 2010, and DPS is following the union agreement, but there are a few sensitive areas that have to be worked out. The Rangers are not part of the FOP, but they will possibly join at a later time. Deputy Chief Conley said that this transfer is a work in progress. He said currently IMPD employees fall under the categories of sworn and civilian, and the Rangers have to be under the civilian side. Deputy Chief Conley said that his best comparison of the special police powers is like IMPD's Environment Officer. A civilian goes out and looks at area in which illegal trash has been dumped and has the power to go to someone's house, write a citation and order the person to court for that violation.

Councillor Scales asked if Park Rangers are admitted to their position in the same manner as traditional IMPD officers, such as physical abilities and psychological evaluations. She also asked what will happen if a Ranger does not pass the criteria to be moved up to the level of a traditional officer. Deputy Chief Conley answered that he is unsure about the previous training requirements of the Park Rangers, as they are just being moved to IMPD. He said he believes that the amendment will cover these types of situations under the grandfather clause and would be under the discretion of the Public Safety director. However, future Rangers will be required to go through the training that current IMPD officers go through. Deputy Chief Conley said under the current Indiana Law Enforcement Training Board requirements, if at any time candidates do not pass the certification tests, they will be separated from their employment with the department. Ms. Washington added that, though it was a good idea to do this transfer, DPS is still working through the logistics of training and pay to make this a good fit. Deputy Chief Conley said he had his first opportunity to work with the Rangers at the Cinco de Mayo event at Garfield Park. He said they are a group of extremely hard working officers.

Councillor Oliver asked why there is an exception to "those persons transferring to the park rangers division from a recognized police agency", as it suggests that someone could come from out of town and be able to bypass those steps. Councillor Hunter answered that those particular words were in the original ordinance, but the language that is being added with the amendment will help offset that. He said there are very few states that have reciprocity with Indiana, but he believes that the language may be in the ordinance because there are currently some Rangers that hold their Law Enforcement Training Board (LETB) certification. He said this exception is a way of lowering the expense of sending someone through the academy that are already LETB certified, as it would be considered more of a lateral move. Councillor Oliver said he understands that it is encouraging for someone to be able to obtain the employment, but it appears that someone may be able to come from another state that already has the certification and be able to get the job over someone in Marion County who does not have the certification. Chair Vaughn said the amendment addresses that concern, as it states that only those persons currently with the rangers will be grandfathered and all others will have to meet the additional certifications, standards and requirements of training.

The motion to "Amend" the proposal carried by a vote of 7-0.

Councillor Pfisterer moved, seconded by Councillor Hunter, to forward Proposal No. 122, 2009 to the full Council with a "Do Pass as Amended" recommendation. The motion carried by a vote of 7-0.

PROPOSAL NO. 155, 2009 - appoints K. Sue Leonard to the Domestic Violence Fatality Review Team

Ms. Leonard said that she is a licensed clinical social worker and has been involved in the Domestic Violence arena for over ten years providing counseling for individuals who are batterers. She said she is currently the Director of Fall Creek Counseling, and they offer battering programs for both male and female batterers. She said she has also been involved with the Domestic Violence Network (DVN) and the Indiana Coalition Against Domestic Violence (ICADV) for over ten years.

Councillor Cockrum pointed out that Ms. Leonard's appointment is until December 31, 2009.

Councillor Moriarty Adams moved, seconded by Councillor Pfisterer, to forward Proposal No. 155, 2009 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 7-0.

PROPOSAL NO. 162, 2009 - appropriates \$70,691 in the 2009 Budget of the Public Defender Agency (Federal Grants Fund) for salaries and benefits of a juvenile master social worker, reclassification of two program coordinator positions and computer and telephone expenses for these positions

Bob Hill, Chief Public Defender, said the rest of the match for this proposal comes from funds already appropriated. He said the grant is for alternative placement programs for both juvenile and adult. He said they will hopefully be able to make better sentencing recommendations to judges in juvenile and adult court, particularly cases out of juvenile court, as they have increased. In adult court, there has also been an increase of cases going through the mental health court, and the attorneys are not very skilled in this area. Mr. Hill said the social worker positions will help make the attorneys better able to assist the court in making recommendations for placement and sentencing.

Chair Vaughn asked if the social worker salaries are anticipated to be funded annually. Deb Green, CFO, Public Defender's Office, answered that the grant is a one-year grant, and they did not get as much as they expected for the program. She said they were able to fund one of the two positions that they had listed through their existing budget, and they revamped two other existing positions to help fill the responsibilities. She said they are hoping to at least receive a portion of the money next year, but they may need to search for additional funds or come back to the Council to ask for the position to be added.

Councillor Cockrum asked if the funding is based on a calendar year. Ms. Green answered that it is a 12-month grant from January 1 to December 31 of this year.

Councillor Moriarty Adams moved, seconded by Councillor Scales, to forward Proposal No. 162, 2009 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 7-0.

PROPOSAL NO. 163, 2009 - appropriates \$864,484 in the 2009 Budget of the Marion County Prosecutor (Federal and State Grants Funds) as the result of grant awards not originally anticipated during the 2009 budget process

Lisa Bentley, Chief of Operations (COO), Marion County Prosecutor's Office (MCPO), said that

this is basically a housekeeping ordinance. She said the entire \$800,000 is new grant money. The proposal appropriates \$277,334 to the Federal Grants fund of the Prosecutor's Office. She said as requested, MCPO had to estimate their anticipated grant spending for the 2009 budget process, with the understanding that a fiscal ordinance may be necessary to true up the budget with the actual grant awards. Ms. Bentley said, since the adoption of the budget, they have received several grant awards that were not anticipated. She said they also had one grant that was put into a federal pot through the Office of Finance and Management (OFM) and another grant that was put into a state grant fund. Since that time, the Auditor's office has decided that those grants were in the wrong place. Therefore, MCPO is re-appropriating the funds. Ms. Bentley said that part of the problem is that all of their grants are in one big pot, and this year she's learned that she should estimate really high as opposed to giving an exact amount. She said some of the new grants they have received this year are: the Comprehensive Anti Gang Initiative (CAGI) grant through the Indiana Criminal Justice Institute (ICJI); the Traffic Safety Partnership; the Housing Authority grant; and the Victim Services Training grant, which they have not actually received the funding for this particular program yet. Brief descriptions of all of the grants are attached as Exhibit B. She said there is currently a lot of gang-type federal funding and the Victim Services Training grant is an attempt to send their victim advocates to the National Organization of Victim Assistance (NOVA) conference for training and networking purposes.

Councillor Cockrum asked what the terms of the grants are. Ms. Bentley answered that it depends on the grant, as all of them have different terms. She stated that none of the grants she has discussed have a matching requirement. She said the position funded by the CAGI grant will terminate if the funding ends. She said there seems to be a lot of funding coming with regard to the Housing Authority grant and housing issues. Councillor Cockrum asked if this will affect the FTEs that were included in the budget. Ms. Bentley answered that she is sure it will affect FTEs, but stated that she does not have the information available. Councillor Cockrum asked if Ms. Bentley can provide that information to the Committee. Ms. Bentley answered in the affirmative.

Councillor Moriarty Adams moved, seconded by Councillor Scales, to forward Proposal No. 163, 2009 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 7-0.

PROPOSAL NO. 164, 2009 - amends the Code to allow management tools for dealing with nuisance urban birds while upholding the state's wildlife laws regarding the protection of birds

Chair Vaughn said this proposal was before the Committee several months ago, but there were some questions about the relationship between state and local law. He said the intent is to make the local ordinance as in-line with state law and policy as possible, so that people are not in violation of any laws.

Shannon Winks, Urban Wildlife Biologist, Indiana Department of Natural Resources (IDNR), said when she first came before the Committee, she discussed the Migratory Bird Treaty Act, which is a federal law that already has protection of birds. Therefore, Sec. 531-410(a) of the ordinance is basically a repeat of an already existing federal law. However, IDNR and the United States Fish and Wildlife Service offer permits to people who are having problems with birds causing depredation, such as Canada geese and a few Urban Mallards. She said there was no exception in the ordinance for people who had gone through the process to obtain a permit from IDNR to destroy eggs, the nest and Canada geese. But those people were in fact breaking the City ordinance. She

said that is the reason for wanting to bring the two laws into alignment. She said she has a couple of concerns with the re-write of the ordinance. She said the ordinance should be amended as shown on Exhibit C.

Councillor Moriarty Adams moved, seconded by Councillor Scales, to “Amend” Proposal No. 164, 2009 as shown on Exhibit C. The motion carried by a vote of 7-0.

Councillor Moriarty Adams moved, seconded by Councillor Oliver, to forward Proposal No. 164, 2009 to the full Council with a “Do Pass as Amended” recommendation. The motion carried by a vote of 7-0.

PROPOSAL NO. 165, 2009 - amends the Code to correct and standardize the terminology that references the Indianapolis Metropolitan Police Department

Mr. Mertz said this ordinance simply makes technical changes to the Code and is intended to keep the code current. He said in December 2005, the Council consolidated the Indianapolis Police Department (IPD) with the Law Enforcement division of the Sheriff’s Department. He said it was agreed by all that the department would have a new name, which was decided to be the Indianapolis Metropolitan Police Department (IMPD). Mr. Mertz said this ordinance corrects the name of the department in all references in the revised code.

Councillor Hunter said that the probationary period under IPD was a year and a half, as it allowed for academy time, but under IMPD, the probationary time has been reduced. He said the problem with this is that it creates a problem with letting someone go when they should be dismissed. He said he was asked if the probationary period can be changed back to a year and a half. He asked if it would make sense for him to try to change that time period with this particular ordinance or if he should do it separately. Mr. Mertz said he feels it should be its own proposal.

Councillor Moriarty Adams moved, seconded by Councillor Pfisterer, to forward Proposal No. 165, 2009 to the full Council with a “Do Pass” recommendation. The motion carried by a vote of 7-0.

Councillor Cockrum said that the people who were approved for appointment have not had their background checks approved by the Committee on Committees. Therefore, their appointments are pending background checks.

Spay/Neuter report – Christine Jescke, Director of Operations, Humane Society of Indianapolis, and Jeff Bennett, Past President, Friends of Indianapolis Animal Care and Control

Councillor Scales introduced Ms. Jescke and Mr. Bennett, and stated that they will present the spay/neuter assessment. She asked if the report is required to be given on a yearly basis. Ms. Jescke answered in the negative.

[Clerk’s note: Ms. Jescke distributed a handout, which is attached as Exhibit D]

Mr. Bennett said that the Friends of Indianapolis Animal Care and Control foundation is a private, 501(c)3 non-profit organization that raises private money to supplement the work of the Indianapolis Animal Care and Control (IACC).

Ms. Jescke said that last fall, Director Newman laid out a ten-point improvement plan for IACC at an ACC Board meeting. As part of that discussion, he asked Lisa Tudor, Executive Director, Indy Feral, would chair a report on the topic of spay-neuter for the City of Indianapolis. Ms. Jescke said that she and Ms. Tudor compiled a team of experts (listed on Exhibit D). Ms. Jescke said that she and Ms. Tudor came before the Committee and presented a community assessment for Indianapolis Animal Welfare.

Mr. Bennett said their team met for several months and looked at the best practices of other cities across the country that have comprehensive spay-neuter programs, both privately and publicly funded. He said Indianapolis does not currently have a program in place, which has caused an intake problem at area shelters. He said that 30 - 35 animals in shelters in Marion County are killed every day for no reason, as they are healthy and perfectly adoptable. Mr. Bennett said it is an intake problem, as there is such an abundance of animals, owned and un-owned, that come to the shelters over the course of one year. He said the finite, public resources are spent on the back end and do not address the problem before the animals reach the shelter. He said ACC officers cannot respond quickly enough to the needs. He said the City needs to look at ways to reduce intake in a humane way to prevent animals from ever reaching the shelters, with the acknowledgment that resources are scarce. Mr. Bennett said, fortunately, they know from where the animals are coming (as shown on page 8 of Exhibit D). Ms. Jescke added that the report is available at the top of the Spay-Neuter Services website at www.getthemfixed.org and it will soon be on the Friends Foundation website at www.accfriends.org.

Mr. Bennett said that page 11 indicates that the problem is a public safety and neighborhood quality of life issue for many residents. He said that animals that are not spayed or neutered escape their habitats for a variety of reasons, which creates an expense to chase, catch, house and euthanize the animals. He said by redirecting existing resources, they believe the tide of animals that are coming into shelters can be stemmed, while also improving public safety and the neighborhood quality of life in areas that need attention. Mr. Bennett said the report includes a series of recommendations that will address the problem.

Ms. Jescke discussed the recommendations that begin on page 18 of Exhibit D. She said the groups that provide spay-neuter services are animal welfare groups that spend their own resources. She said there is not enough capacity to perform the number of spay-neuters that are needed in the City, but it is not due to lack of interest. She said the dots on page 19 of Exhibit D represent veterinarians in the community, but there are not sufficient vets in the target zip codes. She said the Low Cost Spay Neuter Clinic is looking to expand and the Humane Society of Indianapolis has committed to moving into the public spay-neuter arena. She said they will have more information about those initiatives in the near future. Mr. Bennett said the Friends Foundation received a grant several years ago to run a mobile spay-neuter clinic that goes into the community and provides no cost surgeries. He said there is also a low cost spay-neuter clinic in one of the neighborhoods, but the demand is so great that it is taking months to have schedule.

Mr. Bennett said the second and third recommendations would require some action of various levels of government. He discussed the actions of recommendation two, and stated that they would need to be looked at by local government. He said they do not feel that it is realistic to mandate spay or neuter for pets in Marion County, but they want to ensure that reality is reflected in the licensing requirement. He said they believe licensing money should be directed to assisting in providing

spays or neuters for low-income pet owners, specifically in targeted zip codes. Mr. Bennett discussed recommendation three and the actions related to it. He stated that this particular recommendation is more related to state government.

Ms. Jescke discussed recommendation four, and stated that the last thing they want to do is require that everyone spay-neuter their pets. She said, since the report has been completed, the Humane Society of Indianapolis formed a group called the Animal Welfare Summit that has invited the leader of every local animal welfare group to participate in a monthly meeting held at the Humane Society. She said currently 18 groups meet on a monthly basis to talk about animal welfare issues. She said the Central Indiana Community Foundation (CICF) has expressed significant interest and gave a grant to fund a strategic plan for animal welfare for the City of Indianapolis. She said she hopes to be able to report on that initiative sometime next year.

Councillor Cockrum said he remembers paying a license fee, but it was eliminated for two reasons: one is that the amount of money that was being collected was not paying for the administrative assistant and the second was because there was no system of follow-up with policing. He asked if there is some kind of recommendation for a follow-up system. Mr. Bennett answered that he believes so, and stated that essentially pet licensing was replaced by what is now called the permanent identification (ID) ordinance. He said by current city ordinance, every pet in Marion County is supposed to have some type of identification tag, either a collar or permanent microchip implant. He said they will now look at a license that would go hand-in-hand with the permanent ID requirement. He said there is pretty good compliance with buying the ID and there are ample microchip services available through veterinarian clinics, ACC and the Humane Society. Mr. Bennett added that the enforcement part is that when an ACC officer picks up an animal that does not have an ID, the owner will receive a citation when he or she comes to retrieve the pet or they will have an option to purchase the microchip when they pick up their animal and the ticket will be waived. He said they are hoping to use the revenue spent on the ID or microchip to put into a pool of funds for a spay-neuter program. He said they are hoping to get the partnership of area veterinarian clinics or a pet store that is currently working with shelters on adoption programs to help administer the sale of licenses.

Councillor Scales thanked Ms. Jescke and Mr. Bennett for taking the time to put together the report, to raise funds to provide spay-neuter services, and for presenting the information to the Committee.

Councillor Pfisterer asked if there is a tax deduction at the state and/or federal level for veterinarians who offer their services for spay-neuter initiatives. Ms. Jescke answered in the negative. Mr. Bennett said that the veterinarians that provide the services rarely even receive donations in increments of more than \$50.

Councillor Cockrum said that Purdue University has an extensive veterinarian training school. He asked if there has been any contact with the school to see if they can help out and perform the services for training. Ms. Jescke said that the Humane Society just entered into a partnership with Purdue, and they are sending a shelter veterinarian student to extern on May 11. She said this is a new partnership, and they are very excited about it. She said she will come back to the Committee to report on how that went.

Councillor Oliver asked if a specific breed by zip codes is known. Ms. Bennett answered that it tends to be mixed breeds, and the vast majority are not spayed or neutered.

With no further business pending, and upon motion duly made, the Public Safety and Criminal Justice Committee of the City-County Council was adjourned at 7:05 p.m.

Respectfully submitted,

Ryan Vaughn, Chair
Public Safety and Criminal Justice Committee

RV/nsm

MOTION TO AMEND Proposal #122, 2009

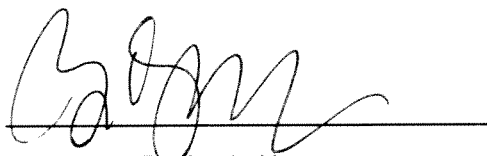
Mr. Chairman,

I respectfully move to amend the following, removing the stricken language and replacing the language underlined to reflect in Section 279-263, in paragraph (b):

Sec. 279-263. Eligibility for appointment; application and examinations.

(a) Any citizen of the United States who is a resident of the county and who is not younger than twenty-one (21) nor older than sixty-five (65) years of age shall be eligible to make application to become a member of the park rangers division. Applicants shall make application in the form and manner and undergo such physical and academic examinations and interviews as the chief shall require.

(b) ~~No persons~~ Persons shall be appointed to the park rangers division of the Indianapolis Metropolitan Police Department (IMPD) until he or she has shall completed the IMPD Law Enforcement Training Board Academy within one year of hiring and serve a training and probationary period specified by the chief, except those persons transferring to the park rangers division from a recognized police agency or association with a LETB Certification. Current officers appointed to the park rangers division prior to this sections passage into law shall be grandfathered at the discretion of the Public Safety Director. Persons appointed in the park rangers division shall adhere to the annual in-service requirements under Indiana Administrative Code governed by the Indiana Law Enforcement Training Board.

A handwritten signature in black ink, appearing to read 'Ben Hunter', is written over a horizontal line.

Councillor, Benjamin Hunter

\$47,825 Comprehensive Anti Gang Initiative, Indiana Criminal Justice Institute

IMPD through its Narcotics branch and its Criminal Gang Section and the Marion County Prosecutor through its Narcotics and Firearms Division and the Grand Jury propose an operation that would identify through intensive surveillance, informants, controlled buys and other investigative methods those who are involved in this activity. Once sufficient evidence is obtained (including, but not limited to positive identification of a significant number of offenders and activities) a large scale sweep of the areas to affect arrests and prosecutions will be made In addition, the anticipated intelligence information that this type of operation would provide would, if properly evaluated and processed, lead to an enhanced ability to define and track future gang activity.

\$2,000 Operation Pull Over Equipment, Indiana Criminal Justice Institute

In November 2008, the Marion County Traffic Safety Partnership received the “Best In The State” Award from Indiana Criminal Justice Institute. Part of this award was a \$2,000.00 Equipment Grant. These funds will purchase portable breath test equipment for the six departments in the Partnership.

\$12,000 ISP/TSP Agreement Grant, Indiana Criminal Justice Institute

Marion County Traffic Safety Partnership will partner with the Indiana State Police Motor Carrier Division in assisting ISP by stopping commercial vehicles that are committing moving violations. ISP will conduct inspections on these vehicles under their authority. The enforcement will occur on Marion County roadways.

\$159,667 Housing Authority Grant

The Public Housing Prosecutor and Paralegal are liaisons between the Indianapolis Housing Agency and the Prosecutor's Office. The prosecutor screens and vertically prosecutes all IHA Welfare Fraud cases. The Prosecutor also serves as an advisor for the acting Chief of IHA Police and helps with warrants, screening matters, and other criminal issues. The Prosecutor and Paralegal regularly attend resident council meetings at various IHA public housing sites and respond to resident concerns.

\$18,687 Anti Human Trafficking Grant

This ordinance will actually be transferring remaining funds in the grant to Character 1 paying for the MCPO's part time attorney and paralegal that have been trained as specialists in human trafficking. The attorney will screen cases, collaborate with the U.S. Attorney's Office to identify Indiana statutes that can be utilized to arrest/prosecute offenders, and help law enforcement officers with evidence collection procedures. Where possible cases will be prosecuted in federal court. The attorney and paralegal helps train local law enforcement and related agencies (hospital emergency rooms, landlords, fire marshals, code enforcement, health inspectors, etc.) to recognize human trafficking. They will collaborate with the Family Justice/Julian Center to provide community outreach, education, and awareness building.

\$4,474 Victim Services Training Grant, Indiana Criminal Justice Institute

The goal of the Marion County Prosecutor's Office is to provide the opportunity to four victim advocates to attend the 35th Annual National Organization of Victim Assistance (NOVA) Conference in Scottsdale, Arizona in August of 2009.

\$57,724 Open Air Initiative, Indiana Criminal Justice Institute

This grant will be targeting open air drug markets with intensive enforcement and investigative methods and then vertical prosecution of cases. This will allow hiring a prosecutor for these cases as well as law enforcement overtime and equipment needed. This would be OVERT versus COVERT drug dealing which has lent itself to much more violence.

\$118,076 Gang Recognition, Identification, Documentation and Elimination
Indiana Criminal Justice Institute

Gang Reduction, Identification Documentation and Elimination (G-RIDE) will equip school personnel with knowledge, techniques and infrastructure necessary to spot, report and document indicia of gang membership, gang presence and gang activity in a way that will help schools to effectively prevent, intervene and respond to school-based gangs. Furthermore, this program will aid law enforcement in the classification, investigation and dismantling of gangs through multi-agency collaboration. G-RIDE will consist of two components, (1) school-based gang identification and documentation and (2) multi-agency gang investigation. For the purposes of this funding request, the proposal contemplates initial program implementation in no more than two schools.

Strategy

Two schools will be chosen from the schools within the CAGI-defined high crime areas. The schools selected in collaboration with the Indianapolis Public School systems are Arsenal Technical High School and Northwest High Schools.

These schools were selected according to criteria developed by the partnering agencies which include:

- Attended by students at least 13 years of age, but preferably attended by students who are 16 years of age or older as well;
- Affected by suspected or known gang members;
- Operated by an administration willing to commit to making an effort for at least one school year; and
- Staffed by personnel concerned about the role of gangs in their school.

School-based Documentation and Identification of Gangs (S-DIG)

The sharing and analysis of any information and knowledge gained by various school employees will create a tremendous wealth of gang intelligence, leading to a clearer picture of gang presence and activities within schools. This will help schools classify both individuals and student groups, and predict potential gang-related problems, which leads to violence in schools and will be of tremendous value to school police and gang investigators.

School-Based Investigation of Gangs (S-BIG)

Information collected by schools through S-DIG , will establish, or help to establish, the existence of gangs, as defined by Indiana law (IC 35-45-1) as well as the membership of individuals within those gangs. Once sufficient information has been gathered to both demonstrate the existence of a gang and to identify a significant number of members, a criminal investigation may be launched.

Funding

All funding will be requested from CAGI grant funds

Personnel: The Marion County Prosecutor is requesting funding from the CAGI grant for:

- (1) An additional full-time salaried deputy prosecuting attorney responsible for implementation of G-RIDE
- (2) Fuel to send personnel to out of state gang training;
- (3) Equipment to facilitate training and work away from the Marion County Prosecutor's Office,
- (4) Equipment necessary for school personnel to document gang contacts, and
- (5) Overtime for police officers.

Breakdown:

- **Salary:** \$37,500.00 for the salary and \$22,085 in fringe benefits (1 June 2009 through 31 December 2009) of one experienced prosecutor who will be responsible for all areas of training, cooperating agency liaison, program documentation, goal achievement and measurement, prosecution in this initiative which will include advising law enforcement; screening all prospective cases and filing cases for prosecution; prosecuting at the trial level all cases generated in this initiative which includes trial preparation, plea negotiations, and trial. This position is anticipated for two years; however, the above budget represents the 2009 calendar year only
- **Overtime:** \$66,123.00: Overtime for law enforcement which would include 30 weeks at \$2,133.00 per week for 30 weeks. That would include overtime for:
 - i. 4 IPS school police officers
 - ii. 2 IPS school police sergeant:
 - iii. 2 IMPD Detective:
- **Equipment:** \$3,621.79: Each selected target school will receive a designated desk top computer for the sole purpose of documenting and tracking of gangs and suspected gang members in the target school. Additionally, each desk top will be accompanied by a terabyte external drive that is coded for secure use and

information storage and a 250 GB portable drive which will be utilized for secure transportation and sharing of documented information. The Director of Prosecution Strategies will receive a laptop capable of storing additional program information as well as presenting comprehensive reports in an efficient and professional manner.

- **Operation expenses:** \$520.00: Each selected target school will receive file folders with 1 center divider for suspect files. Additionally, Post It Note brand flags will be utilized to denote specific information within a file.

CITY COUNTY COUNCIL

PROPOSAL NO. 164, 2009

CITY OF INDIANAPOLIS-MARION COUNTY, INDIANA

INTRODUCED: 05/04/2009

REFERRED TO: Public Safety and Criminal Justice Committee

SPONSOR: Councillors Vaughn and Cockrum

DIGEST: amends the Code to allow management tools for dealing with nuisance urban birds while upholding the state's wildlife laws regarding the protection of birds

SOURCE:

Initiated by: Department of Natural Resources

Drafted by: Robert G. Elrod, General Counsel

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL:



Date: April 30, 2009

CITY-COUNTY GENERAL ORDINANCE NO. , 2009

A PROPOSAL FOR A GENERAL ORDINANCE amends the Code to allow management tools for dealing with nuisance urban birds while upholding the state's wildlife laws regarding the protection of birds.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

SECTION 1. The Revised Code of the Consolidated City and County be, and is hereby, amended by deleting the language that is stricken-through and adding the underlined text to read as follows:

Sec. 531-410. Protection of birds; exception.

(a) Unless acting pursuant to a valid permit issued by the Indiana Department of Natural Resources, it shall be unlawful for a person willfully to injure, molest, attack or disturb in any way a bird, or the nests, eggs, young or brood of birds, in the city; ~~provided, however, this section shall not apply to other than nonmigratory pigeons, starlings or any birds declared or defined by any state law or city ordinance as a public nuisance.~~ *the United States Fish and Wildlife Service and/or* *not protected state or federal law*

(b) Whenever it appears, on complaint of residents, merchants, persons in business, owners or operators of structures or buildings, or citizens generally, or otherwise, that nonmigratory pigeons, starlings, or other birds ~~nonmigratory pigeons, starlings, or other birds~~ birds not protected by state or federal law, constitute a public nuisance in any part of the city, the public safety board shall be authorized to use all necessary means to destroy the birds creating such nuisance, as follows:

- (1) The public safety board is authorized to eradicate pests under subsection (a) of this section with firearms and otherwise; where firearms are used for such purpose, it shall not constitute a violation of the Code which pertains to the discharge of firearms in the city or county; and
- (2) The public safety board is authorized to issue permits to persons in such instances and under such terms and conditions as it finds necessary for the public safety to dispose of any ~~nonmigratory pigeons, starlings or other birds declared or defined by state law as a public nuisance~~ birds not protected by state or federal law, upon the payment of one dollar (\$1.00) by each person to the city controller, and any permit so issued shall be revocable at the will of the public safety board.

SECTION 3. This ordinance shall be in full force and effect from and after adoption and compliance with IC 36-3-4-14.